



February 3, 2009

HOUSE BILL No. 1090

DIGEST OF HB 1090 (Updated January 28, 2009 12:38 pm - DI 97)

Citations Affected: IC 27-8; noncode.

Synopsis: Primary motor vehicle coverage. Specifies the motor vehicle insurance coverage that is primary for passengers in a motor vehicle.

Effective: July 1, 2009.

Fry, Torr

January 7, 2009, read first time and referred to Committee on Insurance.
February 2, 2009, amended, reported — Do Pass.

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HB 1090—LS 6682/DI 97+



February 3, 2009

First Regular Session 116th General Assembly (2009)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2008 Regular Session of the General Assembly.

HOUSE BILL No. 1090

A BILL FOR AN ACT to amend the Indiana Code concerning insurance.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 27-8-9-7 IS AMENDED TO READ AS FOLLOWS
2 [EFFECTIVE JULY 1, 2009]: Sec. 7. (a) This section does not apply
3 to cases covered by section 10 or 11 of this chapter.

4 (b) In any case arising from a permittee's use of a motor vehicle for
5 which the owner of the vehicle has motor vehicle insurance coverage,
6 the owner's motor vehicle insurance coverage is considered primary if
7 both of the following apply:

8 (1) The vehicle, at the time damage occurred, was operated with
9 the permission of the owner of the motor vehicle.

10 (2) The use was within the scope of the permission granted.

11 (c) The permittee may not recover under any other motor vehicle
12 insurance coverage available to the permittee until the limit of all
13 coverage ~~provided by~~ **available to the permittee under** the owner's
14 policy is first exhausted.

15 (d) **In a case arising from an owner's use of a motor vehicle for**
16 **which the owner of the vehicle has motor vehicle insurance**
17 **coverage, the owner's motor vehicle insurance policy is considered**

HB 1090—LS 6682/DI 97+



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1 primary for any claim made by a passenger in the motor vehicle.

2 (e) A passenger in a motor vehicle at the time a case described
3 in subsection (b) or (d) arises may not recover under any other
4 motor vehicle insurance coverage available to the passenger until
5 the limit of all coverage available to the passenger under the
6 owner's policy is first exhausted.

7 SECTION 2. [EFFECTIVE JULY 1, 2009] (a) IC 27-8-9-7, as
8 amended by this act, applies to a case arising after June 30, 2009.

9 (b) This SECTION expires July 1, 2014.

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Insurance, to which was referred House Bill 1090, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, line 9, delete "or person in legal possession".

Page 1, line 14, strike "provided by" and insert "**available to the permittee under**".

Page 2, line 5, delete "provided by" and insert "**available to the passenger under**".

and when so amended that said bill do pass.

(Reference is to HB 1090 as introduced.)

FRY, Chair

Committee Vote: yeas 8, nays 0.

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